

30843

VOLUNTARY AGREEMENT

Made this day of August 12, 1997

**PIZZERIA UNO of Washington, D.C., Inc.
3501 Connecticut Avenue N.W.
("Applicant")**

and

**Advisory Neighborhood Commission 3-C
2737 Devonshire Place, N.W.
Washington, D.C.
("Protestant")**

WHEREAS, Applicant's application for a Retailer's Class "CR" License Number 30843 is pending before the District of Columbia Alcoholic Beverage Control Board ("Board"), and

WHEREAS, the premises 3501 Connecticut Avenue N.W. are within the jurisdictional boundaries of Protestant Advisory Neighborhood Commission 3-C ("ANC3C"); and

WHEREAS, ANC3C is recognized by the Board as Protestant in said case;

WHEREAS, Applicant and Protestant mutually desire to resolve said protest:

NOW THEREFORE, in consideration of the mutual covenants and promises set forth below, and subject to the approval of this Agreement by the Board, the parties agree as follows:

- 1) From the date of adoption of this Agreement by the Board and throughout the term thereof, Applicant agrees to the removal of their trash refuse dumpster in the alley. (Separate dumpster for cardboard only may remain).
- 2) From the date of adoption of this Agreement by the Board and throughout the term thereof, Applicant agrees they will not get new dumpsters without ANC3C's approval.
- 3) From the date of adoption of this Agreement by the Board and throughout the term thereof, Applicant agrees to have its Managers walk the outside property twice a shift and undertake immediate corrective actions to remedy any unlawful or unsafe situations and have removed by employees all trash from this area.
- 4) From the date of adoption of this Agreement by the Board and throughout the term thereof, Applicant agrees to prohibit removal of trash from inside to outside the premises after 11:00 p.m. and before 7:00 a.m. the following day.
- 5) In consideration of, and reliance upon, the foregoing commitments, and with the understanding that the stated conditions will be made part of Applicant's license, Protestants hereby agree to withdraw their protest to Applicant's Application Number 30843 and support reissuance of the license.

6) The Applicant acknowledges that any failure to adhere to the foregoing commitments will constitute grounds for Protestant to petition the Board for revocation

of Applicant's ABC license following a Show Cause Hearing pursuant to 23 DCMR 1513.5 of for Protestant to petition the Board to impose any applicable fines for violation of this Agreement, in order to gain Applicant's compliance with this Agreement. Protestant agrees to notify Applicant in writing of any alleged violations of this Agreement and shall afford Applicant fourteen (14) calendar days to correct, or begin to correct, the violation prior to notifying the Board.

7) This agreement shall not preclude Protestant from exercising any other rights under the ABC statute or regulations, nor from challenging Applicant's compliance with any other District of Columbia laws or regulations not covered by this Agreement.

IN WITNESS WHEREOF, The parties have affixed hereunto their signatures:

for Pizzeria Uno of Washington, D.C., Inc.
Applicant

Robert M. Brown

Robert M. Brown, Sr. Vice President

Date

8/9/97

J. M. Ingram

for Advisory Neighborhood Commission 3-C
Protestant

Date

August 12, 97

JEANNE M INGRAM

**BEFORE
THE DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD**

<u>In the Matter of:</u>)	
)	
Pizzeriza Uno of D.C., Inc.)	
t/a Pizzeria Uno of D.C.)	
)	
Application for a Retailer's)	Case No. <u>30843-97082P</u>
License Class CR - renewal)	
at premises)	
3501 Connecticut Avenue, N.W.)	
Washington, D.C.)	
)	

**Phil Mendelson, Chair, on behalf of Advisory Neighborhood Commission 3C,
Protestant**

Robert Brown, Vice President/Treasurer, on behalf of the Applicant

**Before: Barbara L. Smith, Chair
Dennis Bass, Member
Allen Beach, Member
Mary Eva Candon, Member
Laverne King, Member
Duane Wang, Member
Eydie Whittington, Member**

ORDER ON WITHDRAWN PROTEST

This matter, having been protested, came before the Board for a public hearing on August 13, 1997 in accordance with D.C. Code Section 25-115 (c)(5)(1995 Supp.), providing for remonstrants to be heard. Phil Mendelson, Chair, on behalf of the Advisory Neighborhood Commission 3C, filed a timely protest letter.

The official records of the Board reflect that the parties have now reached an Agreement which has been reduced to writing, and has been properly executed and filed with the Board. (See Agreement dated August 12, 1997.) Pursuant to that Agreement, the Protestant has agreed to withdraw the opposition provided, however, that the Board's approval of the pending application is conditioned upon the licensee's continuing compliance with the terms of the Agreement.

Pizzeria Uno of D.C., Inc.
t/a Pizzeria Uno of D.C.
Page two

Accordingly, it is this 12th day of November 1997, **ORDERED** that:

1. The opposition of Phil Mendelson, Chair, on behalf of the Advisory Neighborhood Commission 3C, be, and the same hereby, is **WITHDRAWN**;
2. The above-referenced Agreement, dated August 12, 1997, be, and the same hereby, is **INCORPORATED** as part of this Order;
3. The application of Pizzeria Uno of D.C., Inc. t/a Pizzeria Uno of D.C. for a retailer's license class A - renewal at premises 3501 Connecticut Avenue, N.W., be, and the same hereby, is **GRANTED**; and,
4. Copies of this Order shall be sent to the Protestant and the Applicant.

DISTRICT OF COLUMBIA
ALCOHOLIC BEVERAGE CONTROL BOARD


BARBARA L. SMITH, CHAIR


DENNIS BASS, MEMBER

ALLEN BEACH, MEMBER

MARY EVA CANDON, MEMBER


LAVERNE KING, MEMBER


DUANE WANG, MEMBER

EYDIE WHITTINGTON, MEMBER